

REMARKS/ARGUMENTS

Status of Office Action

The Office Action Summary does not include an explicit indication as to whether the Office Action is final or non-final. According to the Image File Wrapper on PAIR, the Office Action is non-final. In the absence of any indication to the contrary in the Office Action Summary, or in the detailed Action, it is believed that the Office Action is non-final.

Claims 1, 2, 5, 6, 11, 13, 14, 16, 18, 29, 32, 37, 38 and 95 remain in the application. Claims 1, 5, 6, 14 and 38 have been amended as shown in the listing of claims above.

Claim Rejections – 35 USC 112

Claims 92 to 94 were rejected under 35 USC 112, second paragraph, as allegedly being indefinite. While the Applicant in no way concedes that these claims were indefinite, the rejected claims have been cancelled without prejudice in an effort to place the application into condition for allowance.

Since the rejected claims 92-94 have been cancelled, reconsideration and withdrawal of the claim rejection under 35 USC 112, second paragraph, are respectfully requested.

Claim Rejections – 35 USC 103

Claims 1 to 3, 11, 18, 29, 37 and 95 were rejected under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent No. 4,295,305 (“Shelver”) in view of U.S. Patent No. 4,689,933 (“Biro”) and U.S. Patent Application Publication No. 2004/0108040 (“Field”). Claims 13, 14, 16, 32 and 38 were rejected under 35 USC 103(a) as allegedly being unpatentable over Shelver in view of Biro and Field and further in view of U.S. Patent No. 2,934,801 (“Błaszowski”). Rejected claim 1 was an independent claim, and all of the other rejected claims depended therefrom.

However, at the top of page 7 of the August 20, 2010 Office Action, the Examiner kindly indicated that each of claims 5, 6 and 8 would be allowable if amended to include the base claim and any intervening claims.

Thus, in order to expedite allowance of this application, claim 1 has been amended to incorporate all of the features from allowable claim 8 and intervening claim 3. As amended, claim 1 incorporates all of the features of former claim 8, its base claim 1, and its intervening claim 3. Since claim 1 effectively represents claim 8 rewritten in independent form, it is believed that amended claim 1 is allowable as well.

All of the other rejected claims which remain in the application, with the exception of claims 5 and 6, directly or ultimately depend from claim 1, and therefore are also believed to be allowable.

Regarding claims 5 and 6, both claims have been amended to incorporate their base claim 1 and intervening claim 3. Since claims 5 and 6 were also included in the acknowledgement of allowable subject matter in the first paragraph on page 7 of the Office Action, these claims are also believed to be allowable.

In summary, the three independent claims 1, 5 and 6 which remain in the application represent independent versions of former claims 8, 5 and 6, respectively, which page 7 of the Office Action indicated would be allowable. All of the other claims which remain in the application depend from amended claim 1. Accordingly, all of the claims now either relate to subject matter that was acknowledged as being allowable or depend from an acknowledged allowable claim.

It is therefore believed that all of the claims now pending in the application are allowable. Reconsideration and withdrawal of the claim rejections under 35 USC 103 are respectfully requested.

Conclusion

In the interest of completeness, the Applicant notes that claim 14 has been amended to properly refer to “said sealant” instead of to “said sealant material”. Regarding claim 38, it appears as though this claim was incorrectly labeled as “previously presented” in the Applicant’s communication filed on November 16, 2009. This claim in the previous communication actually included an amendment to insert “framed” before “panel unit” at the beginning of the claim. Out of an abundance of caution, the Applicant has again shown the previous amendment to claim 38, but has correctly labeled the claim as “Currently Amended” in the listing of claims above.

The Applicant respectfully submits that the application is now in condition for allowance. In the event that any issues remain to be resolved prior to allowance of the application, the Examiner is invited to contact the undersigned by telephone so as to most expediently resolve such issues.

It is to be noted that the presently submitted amendments and remarks are intended solely to advance examination of the application, and should not be taken as any form of admission on the part of the Applicant that the claims in their original form are not patentable. The Applicant hereby also expressly reserves the right to present additional amendments and/or remarks as examination proceeds.

Early and favorable reconsideration of the application are respectfully requested.

Respectfully submitted,

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November 22, 2010